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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/576,828

03/19/2007

Joan Anton Halbesma

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EXAMINER

PRAKASAM, RAMYA G

ART UNIT

PAPER NUMBER

3651

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/576,828

Applicant(s)

HALBESMA, JOAN

Examiner

Ramya G. Prakasam

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract is more than one paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. The claims are objected to because, as provided in 37 CFR 1.75(i), where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.
6. Claim 2 recites the limitation "the bottom side" where no bottom side was previously defined. There is insufficient antecedent basis for this limitation in the claim.
7. Claims 4 and 5 recite the limitation "the metal connecting pin" where no metal connecting pin was previously defined. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Christiana (U.S. Patent Application Publication No. 2004/0231966).

Christiana discloses a conveyor for moving very heavy loads, consisting of:

- A chain (See Figures 1A – 2D) having width-wise multiple solid links and wherein, in the longitudinal direction, the multiple solid links are alternately of plastic and metal (See Paragraphs 21 and 27);
- Wherein the plastic links have both a bearing and a pulling function and simultaneously form a sleeve bearing with the underground over which they drag (See Figures 1A-3D and Paragraph 21).
- Wherein the chain is provided at the bottom side with a continuous one-piece rubber band mechanically attached thereto (See Paragraph 21).
- Wherein the plastic links and the metal links have the same height (See Figures 1A – 2D).
- Wherein the metal connecting pin connecting the multiple solid links of one row to each other and to the following row of multiple solid links, consist of one piece (See Paragraph 27).

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- Wherein the metal connecting pin connects of multiple solid links of one row to each other and to the following row of multiple solid links in a manner such that it cannot move relative to the metal links but that it can hingingly move the metal links relative to the plastic links (See Paragraph 27).

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christiana in view of Faulkner (U.S. Patent No. 5,020,656).

Christiana discloses all claimed limitations, except for a conveyor wherein the width of the links is inversely proportional relation to the specific tensile strength of the materials from which they have been composed. Faulkner discloses a conveyor wherein the width of the links is inversely proportional relation to the specific tensile strength of the materials from which they have been composed (See Column 4, lines 8-20) for the purpose of varying the shear or tensile strength in different regions of the belt (See Column 4, lines 17-20). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Christiana by utilizing a conveyor wherein the width of the links is inversely proportional relation to the specific tensile strength of the materials from which they have been composed for the purpose of varying the shear or tensile strength in different regions of the belt.

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12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christiana in view of Garvey (U.S. Patent No. 3,944,059).

Christiana discloses all claimed limitations, except for a conveyor wherein the underground over which the conveyor drags has a top layer of a nylon filled with a lubricant. Garvey discloses a conveyor wherein the underground over which the conveyor drags has a top layer of nylon (See Column 4, lines 66-68 – Column 5, line 1) filled with a lubricant (See Column 5, lines 2-6) for the purpose of using a material having acceptable anti-friction properties and adequate flexibility and resilience (See Column 5, lines 6-17). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Christiana by utilizing a conveyor wherein the underground over which the conveyor drags has a top layer of a nylon filled with a lubricant. Garvey discloses a conveyor wherein the underground over which the conveyor drags has a top layer of nylon filled with a lubricant for the purpose of using a material having acceptable anti-friction properties and adequate flexibility and resilience.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christiana in view of Murano (U.S. Patent No. 6,098,787).

Christiana discloses all claimed limitations, except for the use of a plastic POM. Murano discloses the use of a plastic POM (See Column 3, line 11) for the purpose of using a plastic with a high mechanical strength and abrasion resistance (See Column 3, lines 8-15). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Christiana by utilizing a plastic POM for the purpose of using a plastic with a high mechanical strength and abrasion resistance.

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***Conclusion***

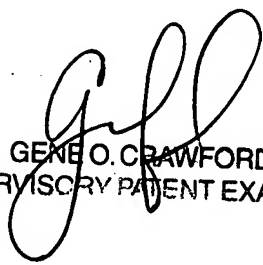
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/10/2007  
RGP

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER